

02-R-1151

(Do Not Write Above This Line)

A RESOLUTION
BY COUNCILPERSON DERRICK
BOAZMAN

A RESOLUTION RECOMMENDING
DISAPPROVAL BY THE CITY OF
ATLANTA OF THE PROPOSED CHANGE
OF CONTROL AGREEMENT BETWEEN
THE CITY OF ATLANTA, MEDIA ONE OF
COLORADO, INC., AN INDIRECT
SUBSIDIARY OF AT&T CORP;
RECOMMENDING DISAPPROVAL OF
FCC FORM 394; RESCINDING
CONFLICTING RESOLUTIONS; AND FOR
OTHER PURPOSES.

Rosalind Rubens-Newell
ROSALIND RUBENS-NEWELL
INTERIM CITY ATTORNEY

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

Date Referred

6/17/02

Referred To:

City Utilities

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

- ☐ 1st Reading
☐ 2nd Reading
☐ 3rd Reading
☐ Consent
☐ V Vote
☐ RC Vote

CERTIFIED

MAYOR'S ACTION

A RESOLUTION**BY COUNCILPERSON DERRICK BOAZMAN**

A RESOLUTION RECOMMENDING DISAPPROVAL BY THE CITY OF ATLANTA OF THE PROPOSED CHANGE OF CONTROL AGREEMENT BETWEEN THE CITY OF ATLANTA, MEDIA ONE OF COLORADO, INC., AN INDIRECT SUBSIDIARY OF AT&T CORP; RECOMMENDING DISAPPROVAL OF FCC FORM 394; RESCINDING CONFLICTING RESOLUTIONS; AND FOR OTHER PURPOSES.

WHEREAS, on January 1, 1995, a Cable Franchise was granted to Southern Multimedia Communications, Inc., a predecessor of MediaOne Group, Inc. d/b/a MediaOne of Colorado ("Franchisee") for the construction, reconstruction, operation and maintenance of a cable communications system within the City of Atlanta for a period of fifteen (15) years expiring January 1, 2010 (the "Cable Franchise"); and

WHEREAS, on November 15, 1999, the City consented to the change of control of the Franchisee from Media One to AT&T Corp.; and

WHEREAS, AT&T Broadband intends to merge with Comcast Corporation to create a new corporation to be known as AT&T Comcast Corporation ("AT&T Comcast"); and

WHEREAS, on February 28, 2002, AT&T Corp. and AT&T Comcast filed all necessary materials, including an FCC Form 394 with the City of Atlanta seeking the City's consent to the proposed transaction whereby AT&T Comcast Corporation will have ultimate control over the Franchisee and the cable communications system serving the City of Atlanta; and

WHEREAS, pursuant to Section 14 of the City of Atlanta Cable Communications Ordinance and Section 17 of the Cable Franchise Agreement, every change, transfer, or acquisition of ownership or control of the franchise shall make the franchise subject to revocation unless and until the City shall have consented thereto; and

WHEREAS, pursuant to Section 17 of the Cable Franchise Agreement, the City shall have one hundred and twenty (120) days from the date of the receipt of an FCC Form 394 application to act upon any request for approval of the sale or transfer for which the application seeks approval.

WHEREAS, the City has requested additional time from the Franchisee to review the FCC Form 394 application to conduct public hearings and to address outstanding issues.

WHEREAS, the Franchisee has denied the City's reasonable request for an extension of time to resolve issues of quality of service provided to the citizens of Atlanta and the capacity of the new entity to make the requisite financial investment in the City of Atlanta's system in accordance with the Cable Franchise Agreement

WHEREAS, the City lacks the information necessary to consent to the change of control of the Franchisee from AT&T Corp. to AT&T Comcast Corporation.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

SECTION ONE: That the City denies its consent to the FCC Form 394 change of control between the City of Atlanta, Franchisee and AT&T Comcast Corporation on the basis that all inquiries about the technical, financial and legal qualifications of the new proposed entity have not been adequately addressed.

SECTION TWO: That all resolutions in conflict herewith are hereby rescinded.